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EXAMINER

HAMILTON, MONPLAISIR G

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 02/03/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

8K

# Office Action Summary

Application No.

09/837,428

Applicant(s)

SMALLEY ET AL

Examiner

Monplaisir G Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,9-15,33-38 and 43-72 is/are pending in the application.
- 4a) Of the above claim(s) 3, 8, and 16-32 and 39-42 cancelled.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1,2,4-7,9-15,33-38 and 43-72 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3, 4, 6, 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

1. Claims 1-42 were pending. The communication filed on 4/19/01, Paper No. 2, cancelled Claims 3, 8, and 16-32 and 39-42, and added Claims 43-60. The communication filed on 3/21/02, added Claims 61-72. Claims 1, 2, 4-7, 9-15, 33-38, and 43-72 are pending.

### *Information Disclosure Statement*

2. The information disclosure statement filed 4/19/01, Paper No. 3 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

The information disclosure statement (IDS) submitted on 8/1/01, Paper No. 4; 4/11/03, Paper No. 9 and 11/05/02, Paper No. 6 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered.

**NOTE:** The document entitled State of Tennessee Department of Environmental Conservation, Request for Proposal for Acquisition, Installation, and Training for the Integrated Resource Information System is deemed pertinent to this application. However, because this document does not have a date, the information considered within has not been applied in this application.

### *Double Patenting*

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-2 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 1 of U.S. Patent No. 6256640 issued to Smalley et al. Although the conflicting claims are not identical, they are not patentably distinct from each other because of the following reasons:

Claim 1 and 2 of the instant application substantially recites the limitations of claim 1 of the cited Patent. These claims omit certain limitations and replace the underlined limitations with bolded limitations as shown in the Tables 1 and 2 below.

Table 1

Application 09/837428 Claim 1	U.S. Patent No. 6256640 Claim 1
<p>1. A database structure, embodied on at least one computer accessible medium, for managing information on regulated entities by a regulating entity, said database structure comprising:</p> <p>a primary data level identifying multiple regulated entities, optionally associable with a geographic location; and</p> <p>a secondary data level identifying subject items of the regulated entities identified at said primary level, where the subject items include objects and activities subject to regulatory requirements <b>comprising multiple media</b>.</p>	<p>1. A database structure, embodied on at least one computer accessible medium, for managing information on regulated entities, said database structure comprising:</p> <p>a primary data level identifying regulated entities, optionally associable with a geographic location; and</p> <p>a secondary data level identifying subject items of the regulated entities identified at said primary level, where the subject items include objects and activities subject to regulatory requirements,</p> <p><u>wherein said database structure further comprises at least one lower data level, below said secondary data level, to store detail information on imposition of regulatory requirements on the subject items via issuance of permits, monitoring operation of the subject items of the regulated entities to verify compliance with the regulatory requirements and issuance of enforcement orders to compel compliance with the regulated entities,</u></p> <p><u>wherein the information managed by using said database structure is accessed by an environmental regulatory agency, and</u></p> <p><u>wherein the subject items identified by the information in said secondary data level relate to different environmental program areas regulating a single regulated entity and data stored according to said database structures are accessible by all of the environmental</u></p>

program areas over which the  
environmental regulatory agency has  
jurisdiction.

Table 2

Application 09/837428 Claim 2	U.S. Patent No. 6256640 Claim 1
<p>2. A database structure, embodied on at least one computer accessible medium, for managing information on regulated entities by a regulating entity, said database structure comprising:</p> <p>a primary data level identifying multiple regulated entities, optionally associable with a geographic location; and</p> <p>a secondary data level identifying subject items of the regulated entities identified at said primary level, where the subject items include objects and activities subject to regulatory requirements <b>comprising multiple media</b>,</p> <p>wherein said database structure further comprises at least one lower data level, below said secondary data level, to store detail information on imposition of regulatory requirements on the subject items via issuance of permits, monitoring operation of the subject items of the regulated entities to verify compliance with the regulatory requirements and issuance of enforcement orders to compel compliance with the regulated entities</p>	<p>1. A database structure, embodied on at least one computer accessible medium, for managing information on regulated entities, said database structure comprising:</p> <p>a primary data level identifying regulated entities, optionally associable with a geographic location; and</p> <p>a secondary data level identifying subject items of the regulated entities identified at said primary level, where the subject items include objects and activities subject to regulatory requirements,</p> <p>wherein said database structure further comprises at least one lower data level, below said secondary data level, to store detail information on imposition of regulatory requirements on the subject items via issuance of permits, monitoring operation of the subject items of the regulated entities to verify compliance with the regulatory requirements and issuance of enforcement orders to compel compliance with the regulated entities,</p> <p><u>wherein the information managed by using said database structure is accessed by an environmental regulatory agency, and</u></p>

	<u>wherein the subject items identified by the information in said secondary data level relate to different environmental program areas regulating a single regulated entity and data stored according to said database structures are accessible by all of the environmental program areas over which the environmental regulatory agency has jurisdiction.</u>
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At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the cited steps of Claim 1 of US Patent 6256640. US 6256640 disclose general areas are often called "media" (US 6256640: col 4, lines 45-50). US 6256640 further disclose a system according to the present invention also enables multimedia integration of data, where the term multimedia is used to mean multiple environmental regulatory programs (US 6256640: col 4, lines 60-65). Examiner holds the ordinary skilled artisan would have been motivated to modify claim 1 of US 6256640 by replacing wherein said database structure further comprises at least one lower data level, below said secondary data level, to store detail information on imposition of regulatory requirements on the subject items via issuance of permits, monitoring operation of the subject items of the regulated entities to verify compliance with the regulatory requirements and issuance of enforcement orders to compel compliance with the regulated entities, wherein the information managed by using said database structure is accessed by an environmental regulatory agency, and wherein the subject items identified by the information in said secondary data level relate to different environmental program areas regulating a single regulated entity and data stored according to said database structures are accessible by all of the environmental program areas over which the environmental regulatory

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agency has jurisdiction[.] with **comprising multiple media**. The claimed “multiple media” of Application 09/837428 provides the same functionality as the claimed “different environmental program areas” of US 6256640, Claim 1. One of ordinary skill in the art would have been motivated to replace the underlined limitations with the bolded limitation because the substitute elements provides the same function, i.e. comprehensive information regarding the agency’s activities with respect to a single pollution source that is regulated by more than one program (US 6256640: col 4, line 65-col 5, lines 3).



***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4-7, 9-15 and 23-72 are rejected under 35 U.S.C. 102(b) as being anticipated by Sturgeon et al, herein referred to as Sturgeon.

Referring to Claim 1:

Sturgeon discloses a database structure, embodied on at least one computer accessible medium, for managing information on regulated entities by a regulating entity, said database structure comprising:

a primary data level identifying multiple regulated entities, optionally associable with a geographic location (col 12, lines 5-60; col 33, lines 15-20); and

a secondary data level identifying subject items of the regulated entities identified at said primary level, where the subject items include objects and activities subject to regulatory requirements comprising multiple media (col 12, lines 15-30; col 13, lines 55-63).

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Referring to Claim 2:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further discloses said database structure further comprises at least one lower data level, below said secondary data level, to store detail information on imposition of regulatory requirements on the subject items via issuance of permits, monitoring operation of the subject items of the regulated entities to verify compliance with the regulatory requirements and issuance of enforcement orders to compel compliance with the regulated entities (col 13, lines 23-50).

Referring to Claim 4:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further discloses wherein the information in said primary data level identifies the regulated entities as one of a fixed operation having a single geographic location associated therewith; an occurrence having a single geographic location associated therewith; a mobile operation that changes geographic location periodically; and an organization responsible for transport of potentially hazardous materials, either in vehicles or conduits, across a geographic area (col 12, lines 19-30; col 13, lines 14-35).

Referring to Claim 5:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further discloses said database structure defines locations to store data related to work activity schedules, assignments and progress to date in a joint-usage database (col 14, lines 18-40).

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Referring to Claim 6:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further discloses wherein the information managed by using said database structure is accessed by a regulatory agency, and defines permits for operations of the regulated entities, criteria for determining compliance with the permits and actions taken to enforce the permits, for all program areas over which the regulatory agency has jurisdiction (col 9, lines 25-35; col 10, lines 1-10; col 13, lines 35-50; col 16, lines 60-65; col 17, lines 35-50).

Referring to Claim 7:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further discloses, wherein said secondary level comprises a record, and each record contains one of a single subject item and a list of subject item identifiers for related subject items (col 12, lines 20-35).

Referring to Claim 9:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further discloses wherein the information managed by using said database structure is accessed by a regulatory agency, and wherein said database structure defines for at least some of the subject items a set of characteristics that determine the regulatory requirements typically applicable thereto under all multiple media areas for which the regulatory agency is responsible (col 9, lines 25-35; col 10, lines 1-10; col 13, lines 35-50; col 16, lines 60-65; col 17, lines 35-50).

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Referring to Claim 10:

Sturgeon discloses the limitations as disclosed in Claim 9 above. Sturgeon further discloses wherein said database structure further comprises a requirements library specifying the regulatory requirements typically applicable to the subject items having a given set of characteristics, providing inspection checklist language corresponding to the requirements in fewer words, providing default descriptions of noncompliance for use when requirements are violated, and providing default corrective action requirements for use in enforcement orders addressing violations of requirements (col 9, lines 25-35; col 15, lines 40-60; col 17, lines 20-50).

Referring to Claim 11:

Sturgeon discloses the limitations as disclosed in Claim 9 above. Sturgeon further discloses wherein said database structure defines locations to store data in a joint-usage database describing violations of the regulatory requirements applicable to at least one regulated subject item (col 16, lines 15-30).

Referring to Claim 12:

Sturgeon discloses the limitations as disclosed in Claim 11 above. Sturgeon further discloses wherein said database structure defines locations to store data in the joint-usage database describing enforcement orders for the at least one regulated subject item (col 17, lines 45-50).

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Referring to Claim 13:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further discloses a master regulatory profile of identification and descriptive data associated with each regulated entity identified at said primary level, not in data records associated only with permits (col 12, lines 50-60; col 33, lines 15-25).

Referring to Claim 14:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further discloses wherein said database structure defines locations to store data in a joint-usage database describing field inspections and results of the field inspections (col 16, lines 15-30).

Referring to Claim 15:

Sturgeon discloses the limitations as disclosed in Claim 1 above. Sturgeon further discloses wherein the information managed by using said database structure is accessed by an environmental regulatory agency, and wherein said database structure defines locations to store data describing pollutant releases in a joint-usage database (col 9, lines 25-35; col 13, lines 64-67).

Referring to Claim 43:

Sturgeon discloses a method of managing information on regulated entities by a regulating entity, comprising: creating a joint-usage database for multiple media of the regulating entity and having a primary data level identifying the multiple regulated entities, optionally

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associable with a geographic location (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23), and a secondary data level identifying subject items of the regulated entities comprising the multiple media; and performing, by the regulating entity, regulatory functions using the primary and secondary data levels of the joint usage database (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30).

Referring to Claim 44:

Sturgeon discloses a method of managing information on multiple regulated entities by a regulating entity, comprising: creating a joint-usage database for multiple media and having a primary data level identifying the regulated entities, optionally associable with a geographic location (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23), and a secondary data level identifying subject items of the regulated entities; and generating, by the regulating entity, a permit from the joint-usage database (col 13, lines 25-50; col 17, lines 25-50; col 33, lines 5-15; col 16, lines 20-30).

Referring to Claim 45:

Sturgeon discloses the limitations as disclosed in Claim 44 above. Sturgeon further discloses, wherein the permit comprises different information stored in discrete fields (Fig. 33; col 13, lines 55-65 ).

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Referring to Claim 46:

Sturgeon discloses a method of managing information on multiple regulated entities by a regulating entity, comprising: creating a joint-usage database for multiple media and having a primary data level identifying the regulated entities, optionally associable with a geographic location (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23), and a secondary data level identifying subject items of the regulated entities (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30); and generating, by the regulating entity, a regulatory inspection checklist from the joint-usage database (col 9, lines 25-35; col 15, lines 40-60; col 17, lines 20-50).

Referring to Claim 47:

Sturgeon discloses a method of managing information on regulated entities by a regulating entity, comprising: maintaining a joint-usage database for multiple media and having a primary data level identifying the regulated entities (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23), a secondary data level, identifying subject items of the regulated entities and typical permit requirements for each of the subject items, the permit requirements for all subject items including permit requirements in a plurality of multiple media areas (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30); and displaying, by the regulating entity, the typical permit requirements for all of the subject items of a selected regulated entity (col 17, lines 25-45; col 29, line 45-col 30, line 35 ).

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Referring to Claim 48:

Sturgeon discloses the limitations as discussed in Claim 47 above. Sturgeon further discloses selecting permit data from among the typical permit requirements in response to user input (col 17, lines 5-30; col 30, lines 25-40).

Referring to Claim 49:

Sturgeon discloses a method of managing information on regulated entities by a regulating entity, comprising: maintaining a joint-usage database for multiple media and having a primary data level identifying the regulated entities (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23), a secondary data level identifying subject items of the regulated entities and regulating entity inspector checklist language for typical permit requirements for each of the subject items (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30), the inspection checklist language for all subject items including inspector checklist language for the typical permit requirements in a plurality of program areas (col 15, lines 40-60); and displaying, by the regulating entity, the inspector checklist language for all of the subject items of a selected regulated entity (col 17, lines 25-45; col 29, line 45-col 30, line 35).

Referring to Claim 50:

Sturgeon discloses the limitations as discussed in Claim 49 above. Sturgeon further discloses selecting from among the checklist language in response to user input (col 17, lines 25-45; col 29, line 45-col 30, line 35).



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Referring to Claim 51.

Sturgeon discloses a method of managing information on regulated entities by a regulating entity, comprising: creating a joint-usage database for multiple media of the regulating entity and having a primary data level identifying the multiple regulated entities (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23) and a secondary data level identifying subject items of the regulated entities comprising the multiple media (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30); and performing, by the regulating entity, regulatory functions using the primary and secondary data levels of the joint usage database (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30).

Referring to Claim 52:

Sturgeon discloses a method of managing information on multiple regulated entities by a regulating entity, comprising creating a joint-usage database having a primary data level identifying the regulated entities (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23), and a secondary data level identifying activities of the regulated entities (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30); and generating, by the regulating entity, an authorization from the joint-usage database (col 17, lines 35-50).

Referring to Claim 53:

Sturgeon discloses the limitations as discussed in Claim 52 above. Sturgeon further discloses the authorization comprises a license (col 32, lines 45-50; col 33, lines 10-20; col 11, lines 15-25).

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Referring to Claim 54:

Sturgeon discloses the limitations as discussed in Claim 52 above. Sturgeon further discloses the authorization comprises an approval (col 14, lines 5-15).

Referring to Claim 55:

Sturgeon discloses the limitations as discussed in Claim 52 above. Sturgeon further discloses an approval letter (col 30, lines 25-40).

Referring to Claim 56:

Sturgeon discloses a method of managing information on multiple regulated entities by a regulating entity, comprising: creating a joint-usage database having a primary data level identifying the regulated entities location (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23), and a secondary data level identifying activities of the regulated entities (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30); and generating, by the regulating entity, authorization to exercise power from the joint-usage database (col 29, line 60-col 30, line 15).

Referring to Claim 57:

Sturgeon discloses a method of managing information on multiple regulated entities by a regulating entity, comprising: creating a joint-usage database for areas of regulation of the regulating entity having a primary data level identifying the regulated entities (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23), and a secondary data level identifying activities of the regulated entities (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30);

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and generating, by the regulating entity, authorization to exercise power from the joint-usage database (col 29, line 60-col 30, line 15).

Referring to Claim 58:

Sturgeon discloses a method of managing information on multiple regulated entities by a regulating entity, comprising: creating a joint-usage database having a primary data level identifying the regulated entities (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23), and a secondary data level identifying activities of the regulated entities (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30); and generating, by the regulating entity, an enforcement action from the joint-usage database (col 17, lines 35-50).

Referring to Claim 59:

Sturgeon discloses a method for regulation of regulated entities, comprising: maintaining information on the regulated entities (col 12, lines 15-25), including a joint-usage database with the regulated entities at a primary data level (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23) and activities of the regulated entities at a secondary data level (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30); generating an authorization to exercise powers for at least one of the activities of each of the regulated entities by accessing the joint-usage database (col 11, lines 15-25); obtaining operational data from monitoring operation of the activities (col 13, lines 60-67); storing the operational data in the joint-usage database (col 13, lines 60-67); and enforcing each authorization based on the information stored in the joint-usage database (col 17, lines 10-50).

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Referring to Claim 60:

Sturgeon discloses a system for regulation of regulated entities, comprising: a memory unit storing information on the regulated entities (col 12, lines 15-25), including a joint-usage database storing regulated entity identifiers at a primary data level (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23), activities of the regulated entities at a secondary data level (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30) and operational data of the activities at a lower level below the secondary level (col 13, lines 60-68); a processor, coupled to said memory unit, generating an authorization to exercise powers for at least one of the activities of each of the regulated entities by accessing the joint-usage database in said memory unit (col 11, lines 15-25); an input unit, coupled to said processor and said memory unit inputting the operational data obtained from monitoring operation of the activities (col 13, lines 60-67); and an output unit, coupled to said processor, outputting the authorization (col 17, lines 10-50).

Referring to Claim 61:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col 13, lines 35-50); adding permit data to the database, the permit data relating to permits allowing the regulated entities to operate in the program areas (col 13, lines 35-50; col 16, lines 15-30); adding operational performance data to the database, the operational performance data relating to operational performance of the regulated entities in the program areas (col 13, lines 55-68); and accessing the database, having the added permit data and the added operational performance data, to enforce a respective permit (col 17, lines 10-50).

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Referring to Claim 62:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col 13, lines 35-50); adding permit data to the database, the permit data relating to a permit allowing a respective regulated entity to operate in a respective program area (col 13, lines 35-50; col 16, lines 15-30); adding operational performance data to the database, the operational performance data relating to operational performance of said respective regulated entity in said respective program area (col 13, lines 55-68); and accessing the database, having the added permit data and the added operational performance data, to enforce the permit (col 17, lines 10-50).

Referring to Claim 63:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col 13, lines 35-50); the database having unique identifiers for the regulated entities, respectively (col 33, lines 15-25; col 12, lines 50-60); adding permit data to the database, the permit data relating to permits allowing the regulated entities to operate in the program areas (col 13, lines 35-50; col 16, lines 15-30); adding operational performance data to the database, the operational performance data relating to operational performance of the regulated entities in the program areas (col 13, lines 55-68); and accessing the database, having the added permit data and the added operational performance data, via the unique identifier for a respective regulated identity, to enforce a permit allowing the respective regulated identity to operate in a respective program area (col 10, lines 1-10; col 16, lines 15-30; col 17, lines 10-50).

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Referring to Claim 64:

Sturgeon discloses the limitations as discussed in Claim 63 above. Sturgeon further discloses adding compliance data to the database, the compliance data relating to compliance of the regulated entities (col 15, lines 40-60), wherein said accessing accesses the database, having the added permit data, the added operational performance data, and the added compliance data, to enforce said permit allowing the respective regulated identity to operating the respective program area (col 17, lines 10-50).

Referring to Claim 65:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col 13, lines 35-50), the database having unique identifiers for the regulated entities, respectively (col 33, lines 15-25; col 12, lines 50-60); adding permit data to the database, the permit data relating to a permit allowing a respective regulated entity to operate in a respective program area (col 13, lines 35-50; col 16, lines 15-30); adding operational performance data to the database, the operational performance data relating to operational performance of said respective regulated entity in said respective program area (col 13, lines 55-68); and accessing the database, having the added permit data and the added operational performance data, via the unique identifier for said respective regulated identity, to enforce the permit (col 10, lines 1-10; col 16, lines 15-30; col 17, lines 10-50).

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Referring to Claim 66:

Sturgeon discloses the limitations as discussed in Claim 63 above. Sturgeon further discloses adding compliance data to the database (col 15, lines 40-60, the compliance data relating to compliance of said respective regulated entity, wherein said accessing accesses the database, having the added permit data, the added operational performance data, and the added compliance data, to enforce the permit area (col 17, lines 10-50).

Referring to Claim 67:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col 13, lines 35-50), a primary data level identifying the regulated entities level (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23) and a data level below the primary data level identifying subject items of the regulated entities (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30); adding permit data to the database by referencing at least one of the subject items, the permit data relating to permit (col 13, lines 35-50; col 16, lines 15-30); allowing the regulated entities to operate in the program areas (col 13, lines 45-60); adding self-monitoring and inspection data to the database with reference to the subject items (col 9, lines 25-30; col 13, lines 45-60), the self-monitoring and inspection data relating to self-monitoring and inspection of the regulated entities in the program areas (col 13, line 60-col 14, line 15); and accessing the database, having the added permit data and the added self-monitoring and inspection data, to enforce a respective permit (col 17, lines 10-50).

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Referring to Claim 68:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col 13, lines 35-50), a primary data level identifying the regulated entities (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23) and a data level below the primary data level identifying subject items of the regulated entities (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30); adding, to the database, permit data relating to a permit allowing a respective regulated entity to operate in a respective program area, the permit data added to the database by referencing a subject item of said respective regulated entity (col 13, lines 35-50; col 16, lines 15-30); adding, to the database, self-monitoring and inspection data of said respective regulated entity (col 9, lines 25-30; col 13, lines 45-60), the self-monitoring and inspection data being added to the database by referencing said subject item of said respective regulated entity; and accessing the database, having the added permit data and the added self-monitoring and inspection data, to enforce the permit(col 17, lines 10-50).

Referring to Claim 69:

Sturgeon discloses a database structure, embodied on at least one computer accessible medium, to store data from a plurality of program areas in which entities are regulated (col 13, lines 35-50), the database structure comprising: a primary level identifying the regulated entities (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23); and a data level below the primary data level identifying subject items of the regulated entities, the subject items



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including objects and activities subject to regulatory requirements (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30).

Referring to Claim 70:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col 13, lines 35-50), a primary data level identifying the regulated entities (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23) and a data level below the primary data level identifying subject items of the regulated entities (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30); and performing, by a respective regulated entity, regulatory functions using the primary data level and the data level below the primary data level via accessing the database (col 9, lines 20-25; col 11, lines 10-25).

Referring to Claim 71:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col 13, lines 35-50), a primary data level identifying the regulated entities (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23) and a data level below the primary data level identifying subject items of the regulated entities; and generating, by a respective regulated entity (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30), a regulatory inspection checklist using the primary data level and the data level below the primary data level via accessing the database (col 15, lines 40-60).

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Referring to Claim 72:

Sturgeon discloses a method comprising: providing a database comprising data from a plurality of program areas in which entities are regulated (col 13, lines 35-50), a primary data level identifying the regulated entities (col 9, lines 25-40; col 12, lines 1-20, 35-60; Fig. 1; col 33, lines 15-23) and a data level below the primary data level identifying subject items of the regulated entities (col 13, lines 25-50; col 33, lines 5-15; col 16, lines 20-30); and generating, by a respective regulated entity, an enforcement action using the primary data level and the data level below the primary data level via accessing the database (col 17, lines 10-50).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5726884 issued to Sturgeon et al, herein referred to as Sturgeon.

Referring to Claim 33:

Sturgeon discloses a method of managing information of a regulating entity, comprising: storing multiple media, multiple regulated entity regulating data related to work activity schedules, assignments and progress for regulating work to date in a joint-usage database (col 13, lines 25-50; col 14, lines 15-45); updating the data stored in the joint-usage database (col 15, lines 25-45); and displaying the data stored in the joint-usage database to all regulating entity personnel [having security clearance], regardless of the assignments for which the personnel are responsible (col 29, line 50-col 30, line 15).

Sturgeon does not explicitly disclose the claimed security clearance. However, Sturgeon does disclose a User log-on id. The disclosed log-on id suggests a secured database. Therefore, at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Sturgeon to include security clearance for database users. One

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of ordinary skill in the art would have been motivated to do this because it would allow only authorized users to perform database related functions, i.e. printing (col 30, lines 5-10).

Referring to Claim 34:

Sturgeon discloses the limitation as disclosed in Claim 33 above. Sturgeon further discloses wherein said method is performed by a computer program stored as a single executable program (col 29, lines 50-65).

Referring to Claim 35:

Sturgeon discloses the limitation as disclosed in Claim 33 above. Sturgeon further discloses, wherein said storing stores in the joint-usage database at least one master record representing one subject item regulated in a multiple media areas with detailed descriptions for each of the program areas, and wherein said displaying displays the detailed descriptions for the one subject item on a single screen (col 12, lines 1-20; col 13, lines 35-45; col 29, line 50-col 30, line 15).

Referring to Claim 36:

Sturgeon discloses the limitation as disclosed in Claim 33 above. Sturgeon further discloses wherein the data stored, updated and displayed includes data describing pollutant releases of a regulated entity (col 13, lines 65-67).

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Referring to Claim 37:

Sturgeon discloses the limitation as disclosed in Claim 33 above. Sturgeon further discloses, wherein the data stored, updated and displayed includes data describing violations of applicable requirements (col 16, lines 20-30).

Referring to Claim 38:

Sturgeon discloses the limitation as disclosed in Claim 33 above. Sturgeon further discloses wherein the data stored, updated and displayed includes data describing enforcement orders (col 17, lines 35-50), and wherein said method further comprises preparing multiple media enforcement orders for violations of requirements from different program areas and program-specific enforcement orders (col 17, lines 10-50).

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***Prior Art***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 5664112 issued Sturgeon, Douglas H. et al. Sturgeon discloses an apparatus that provides an integrated approach for all management activities for hazardous substances used or generated at a facility, including form generation and compliance with the reporting requirements. The apparatus includes six functional groupings and a database schema or coordinator that integrates these groupings and allows them to share and exchange relevant information. The functional groupings include a hazardous materials index grouping (chemical profiles, waste profiles, Material Safety Data Sheets, etc.), a hazardous materials management

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grouping (MSDS generation, process definition, materials transfers, etc.), a human resource management grouping (training, exposure limits, etc.) and a hazardous commitment management grouping (compliance requirements and deadlines). Optionally, a hazardous waste management grouping (waste accumulations, Hazardous Waste Manifests, etc.) or a hazardous permit management grouping (permit approvals and renewals, etc.), or both, may be combined with all of the other four functional groupings to form an operating system. Optionally, the hazardous materials index grouping plus the hazardous materials management grouping plus the database schema may be combined with one of the other four functional groupings to form an operating system. Optionally, the hazardous materials index grouping plus the database schema may be combined with one of the other five functional groupings to form an operating system.

US 6654788 issued to Chance, Curtis et al. Chance discloses an apparatus and a method for insuring compliance of a regulatory rule set for messages generated by at least one agent of the enterprise. The method comprises the steps of: a) providing a Messaging interface used by an agent containing at least one field accessing a message queue which is based upon the agent to create the regulatory analysis message; b) identifying issues regarding the regulatory analysis message to create an issue collection containing at least one issue; c) responding to each of the issue contained in the issue collection to create an issue response for each issue; and d) creating the regulatory analysis message based upon the issues responses for each of the issues of the issue collection.

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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monplaisir G Hamilton whose telephone number is 1703-305-5116. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on 1703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 1703-305-3900.

Monplaisir Hamilton

  
JEAN M. CORRIELUS  
PRIMARY EXAMINER